

Monday, December 21, 2020

Maghen Shipley Gagnard  
505 Jeffery Court  
New Roads, Louisiana 70760

**Re: Louisiana Board of Ethics  
Docket No. 2020-598**

Dear Mr. Guerin:

The Louisiana Board of Ethics ("Board"), at its January 8, 2020 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit you from accepting employment with the Office of Juvenile Justice while being employed by SocialWorx, a non-profit organization who has a Memorandum of Understanding with Louisiana Department of Corrections - Office of Reentry Services.

#### **FACTS PROVIDED**

You are currently employed as a Development and Communications Manager with SocialWorx. SocialWorx is a non-profit organization, who has recently entered into a Memorandum of Understanding ("MOU") with the Louisiana Department of Corrections - Office of Reentry Services. The MOU provides that SocialWorx will develop a training curriculum geared towards training community partners and service providers to assist with offenders' reentry into the community.

In January 2021, you plan on accepting a position with the Office of Juvenile Justice. You will be working with the Policy and Disciplinary Juvenile Court. None of your duties and responsibilities with the Office of Juvenile Justice overlap with your duties and responsibilities with SocialWorx.

#### **LAW**

**La. R.S. 42:1111(C)(1)(a)** prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

**La. R.S. 42:1111(C)(2)(d)** provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall

receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency; conducts operations or activities which are regulated by the public employee's agency; or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

**La. R.S. 42:1113(A)(1)(a)** states no public servant, excluding any legislator and any appointed member of any board of commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

### **CONCLUSION**

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code would not prohibit you from accepting employment with the Office of Juvenile Justice while maintaining her employment with SocialWorx. Your work at SocialWorx is not substantially devoted to the work you would be performing at the Office of Juvenile Justice. As a result, your employment with the Office of Juvenile Justice while maintaining your employment with SocialWorx would not violate La. R.S. 42:1111(C)(1)(a). Additionally, SocialWorx, your current private employer, does not have a contract or other business relationship with the Office of Juvenile Justice. As a result, your employment with the Office of Juvenile Justice while maintaining your employment with SocialWorx would not violate La. R.S. 42:1111(C)(2)(d).

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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LaToya D. Jordan  
For the Board